

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONY KOLE, *et al.*,

Plaintiffs,

v.

VILLAGE OF NORRIDGE, *et al.*,

Defendants.

No. 11-CV-03871

Hon. Judge Thomas M. Durkin
U.S. District Judge

Hon. Morton Denlow
U.S. Magistrate Judge

DEFENDANT'S MOTION TO STRIKE
PLAINTIFFS' MEMORANDUM OF SUPPLEMENTAL AUTHORITY

NOW COMES, Defendant VILLAGE OF NORRIDGE, through its attorneys Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer and for its Motion to Strike Plaintiffs' Memorandum of Supplemental Authority Reported Since Briefing of Defendants' Motion to Dismiss, states as follows:

1. On February 8, 2013, the Court requested memoranda from the Parties summarizing new cases decided and reported during the year that has passed since the Defendant Village filed its Reply Brief in support of their Motion to Dismiss on February 12, 2012.

2. During the conference, the Court specifically instructed the Parties to refrain from argument. The memoranda of authorities were to merely provide an overview of relevant decisions that have been released since the Parties completed briefing.

3. On February 22, 2013, the Village filed its memorandum in compliance with the Court's direction. The Village's attorneys were meticulous in refraining from

argument in the memorandum, and careful to provide an objective analysis of the cases the Village believes this Court should consider.

4. On the other hand, Plaintiffs, through their attorney, filed "Plaintiffs' Memorandum of Supplemental Authorities Reported Since Briefing of Defendants' Motion to Dismiss" ("Memorandum"), (Doc. 72), containing numerous arguments about the ways in which the cases cited purportedly support their case, the nature of the rights they claim were violated and the facts in the case at bar. (*See e.g.*, Pl. Memo., p. 1-2 (arguing that Plaintiffs have a "fixed or vested right to advertise, market sell and purchase firearms").)

5. Since it will be difficult to excise from Plaintiffs' Memorandum the improper commentary and argument beyond a summary of the cited cases, Plaintiffs' Memorandum should be stricken.

WHEREFORE, for the foregoing reasons, Defendant requests that the Court strike Plaintiffs' Memorandum of Supplemental Authorities Reported Since Briefing of Defendants' Motion to Dismiss.

Respectfully submitted,

/s/Brent O. Denzin

Thomas G. DiCianni / ARDC #03127041

tdicianni@ancelglink.com

Brent O' Denzin / ARDC # 6294953

bdenzin@ancelglink.com

ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHOFER, P.C.

Attorney for Defendant, Village of Norridge

140 South Dearborn Street, 6th Floor

Chicago, Illinois 60603

(312) 782-7606 / (312) 782-0943 Fax

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2013, I electronically filed the foregoing **DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' MEMORANDUM OF SUPPLEMENTAL AUTHORITY** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Walter Peter Maksym , Jr.
Attorney at Law
2056 North Lincoln Avenue
Chicago, IL 60614-4525
wmaksym@gmail.com

/s/ Brent O. Denzin

BRENT O. DENZIN, Attorney Bar #6294953
One of the attorneys for Defendants

ANCEL, GLINK, DIAMOND, BUSH,
DICIANNI & KRAFTHEFER, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
Telephone: (312) 782-7606
Facsimile: (312) 782-0943
E-Mail: bdenzin@ancelglink.com